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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 JESUS I. FLORES,

12 Petitioner,

13 v.

14 BRIAN E. WILLIAMS, SR., et al.,

15 Respondents.
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Case No. 2:14-cv-01629-GMN-VCF

ORDER

17 This is a habeas corpus action under 28 U.S.C. § 2254. The court stayed the action while
18 petitioner Jesus I. Flores exhausted his state-court remedies. ECF No. 70. Petitioner now has
19 filed a motion to reopen, and respondents do not oppose the motion. ECF No. 75, 76. The court
20 will grant the motion.

21 IT THEREFORE IS ORDERED that petitioner's motion to reopen (ECF No. 75) is
22 **GRANTED**. The clerk of the court is directed to lift the stay and to reopen this action.

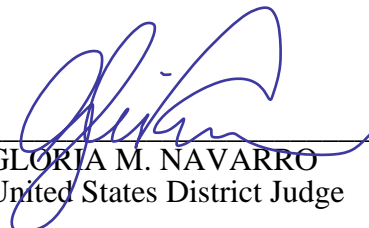
23 IT FURTHER IS ORDERED that respondents must file a response to the fourth amended
24 petition (ECF No. 71), including potentially by motion to dismiss, within 60 days of entry of this
25 order and that petitioner may file a reply within 30 days of service of an answer. The response
26 and reply time to any motion filed by either party, including a motion filed in lieu of a pleading,
27 will be governed instead by Local Rule LR 7-2(b).
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1 IT FURTHER IS ORDERED that any procedural defenses raised by respondents to the
2 petition must be raised together in a single consolidated motion to dismiss. In other words, the
3 court does not wish to address any procedural defenses raised herein either in serial fashion in
4 multiple successive motions to dismiss or embedded in the answer. Procedural defenses omitted
5 from such motion to dismiss will be subject to potential waiver. Respondents must not file a
6 response in this case that consolidates their procedural defenses, if any, with their response on the
7 merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking
8 merit. If respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they must
9 do so within the single motion to dismiss not in the answer; and (b) they must specifically direct
10 their argument to the standard for dismissal under § 2254(b)(2) set forth in Cassett v. Stewart, 406
11 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses, including exhaustion, may be
12 included with the merits in an answer. All procedural defenses, including exhaustion, instead
13 must be raised by motion to dismiss.

14 IT FURTHER IS ORDERED that, in any answer filed on the merits, respondents must
15 specifically cite to and address the applicable state court written decision and state court record
16 materials, if any, regarding each claim within the response as to that claim.

17 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g), paper copies
18 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,
19 unless later directed by the court.

20 DATED: April 14, 2021

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23 GLORIA M. NAVARRO
24 United States District Judge
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